

**From:** Ken Behringer  
**Sent:** Friday, November 07, 2008 1:03 PM  
**To:** Jones, Jackie; Martin Shultz  
**Subject:** Unification election

Marty & Jackie:

This is in response to your questions about my interpretation of the effects of the unification elections. Looking only at districts where the voters approved at least one question, I'll take the easy ones first.

Unifications were approved in Cochise County District B ((Palominas ESD), Pima County District A (Altar Valley) and Pinal County District A (Oracle ED). These were the simplest, because they essentially converted a single common school district into a single unified school district. The proposals were approved by a majority of the voters in each of the districts, so these three unification plans were approved.

The other pure unification was Maricopa County West Valley District B. This involved the unification of Tolleson UHSD, Fowler ED, Littleton ED, Pendergast ED, Tolleson ED and Union ED. The proposal was approved by a majority of the voters in each of the districts, so the unification was successful.

The more difficult question is in the areas that involved subdivision and unification. In the elections that you identified, two questions were put to the voters. The first question was to all the voters in the union high school district and was whether the high school district should be subdivided. The second question differed in each proposed unified district and was whether the portion of the subdivided union district should be unified with the identified common school district or districts. This procedure is not inconsistent with the AG's opinion to Representative Lujan. That opinion said the issues could be combined in a single question, but did not require the matter to be submitted as a single question. This procedure was also consistent with the intent of the SDRC.

Mohave County--

The proposal was to subdivide the Colorado River UHSD into three parts. One portion would be unified with the Bullhead City ED to form district A, one portion would be combined with the Mohave Valley ED to form District B and part coterminous with Topock ED would remain a union high school district. The vote on the subdivision of the high school district was Yes--6,535 and No--7,241. Because the voters in the high school district rejected the subdivision of the high school district, there could be no unifications. Even though the voters in the Bullhead City ED approved both questions, they could not unify because the voters in the high school district rejected the subdivision.

Pinal County--

In addition to the Oracle unification, the SDRC recommended the subdivision of the Casa Grande UHSD and the Santa Cruz Valley UHSD.

#### Casa Grande Union High School District

The Casa Grande ED was to be unified with part of the CGUHSD to form Pinal County District B. Stanfield ED was to be unified with a part of CGUHSD to form District D and Toltec ED was to be unified with part of CGUHSD to form Pinal County District E. Sacaton ED, which is within the boundaries of CGUHSD, was to remain as a common school district, coterminous with a union high school district.

Within the high school district, the vote for subdivision was Yes--10,264 and No--8,324. Therefore, the subdivision of the CGUHSD was approved. A majority of the voters in the Casa Grande ED approved unification, so unified District B was formed. A majority of the voters in Stanfield ED approved unification, so unified District D was formed. A majority of the voters in the Toltec ED approved unification, so unified District E was formed.

#### Santa Cruz Valley Union High School District

The Eloy ED was to be combined with a portion of the SCVUHSD to form Pinal County District C. Picacho ED was to be joined with a portion of the SCVUHSD to form Pinal County District F. Red Rock ED was to be joined with a portion of SCVUHSD to form Pinal County District G.

Within the high school district, the vote for subdivision was Yes--883 and No--770. Therefore, the subdivision of SCVUHSD was approved. A majority of the voters in Eloy ED approved unification, so unified District C was formed. A majority of the voters in the Picacho ED rejected unification, so Picacho ED remains a common school district with the same boundaries as a union high school district. A majority of the voters in the Red Rock ED approved unification, so unified District G was formed.

#### Yuma County--

One of the proposals in Yuma County was to divide Yuma UHSD into three parts. A portion would be combined with Yuma ED to form Yuma County District B. A portion would be combined with Crane ED and Somerton ED to form Yuma County District C. A portion would be joined with Gadsden ED to form Yuma County District D.

Within the high school district the vote for subdivision was Yes--9,514 and No--10,753. As in Mohave County, because the voters in the high school district rejected the subdivision of the district, no unified districts could be formed.

Some of the numbers in these elections were close, so the actual results may change. However, based on the numbers that you provided me and assuming my math is correct, I think that these are the effects of the unification elections.

As we have discussed before, this is just my opinion. The attorney for ADE and the commission is the attorney general. Any protection for the department or commission comes from reliance on their official legal counsel, i.e., the AG. You can certainly provide them my thoughts on these questions, but the binding legal opinion is from the AG's office.

Please let me know if you have any questions.

Ken